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State of Wisconsin
Department of
Revenue

Fax

To: Joe Kreye From: 7-1262 Sherie Gals-Hendrix
Fax: 264-6948 Date: 1-16-03
Phone: _____ Pages: _____
☐ Per our Conversation ☐ FYI ☐ Per Your Request

COMMENTS:

Hi Joe -
Call Vicki @ 6-3873 w/ questions.
I have not faxed the following
pages w/ no comments
1, 3, 35, 38, 40, 41, 42, 43, 44, 45,
54, 60, 61, 62, 63, 64.

Thanks!
Sherie

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SECTION 2

1 SECTION 2. 70.111 (23) of the statutes is amended to read:

2 70.111 (23) VENDING MACHINES. All machines that automatically dispense soda
3 water beverages, as defined in s. 97.29 (1) (i), and items ~~included~~ defined as a food
4 ~~or beverage under s. 77.54 (20) (a) and (b) and food ingredient under s. 77.51 (3t)~~ upon
5 the deposit in the machines of specified coins or currency, or insertion of a credit card,
6 in payment for the soda water beverages, food or beverages.

7 SECTION 3. 73.03 (50) (d) of the statutes is amended to read:

8 73.03 (50) (d) In the case of a sole proprietor, signs the form or, in the case of
9 other persons, has an individual who is authorized to act on behalf of the person sign
10 the form, or, in the case of a single-owner entity that is disregarded as a separate
11 entity under section 7701 of the Internal Revenue Code, the person is the owner. Any
12 person who may register under this subsection may designate an agent, in writing,
13 to register with the department under this subsection [subject to the department's
14 approval]. In this paragraph, "sign" has the meaning given in s. 77.51 (17r).

****NOTE: By using the definition of "sign" under s. 77.51 (17r), the department may
require another method of authentication other than a written signature.

15 SECTION 4. 73.03 (50b) of the statutes is created to read:

16 73.03 (50b) To waive the fee established under sub. (50) for applying for and
17 renewing the business tax registration certificate, if the person who is applying for
18 or renewing the certificate is not required for purposes of ch. 77 to hold such a
19 certificate.

20 SECTION 5. 73.03 (59) of the statutes is created to read:

21 73.03 (59) To do all of the following related to the Uniform Sales and Use Tax
22 Administration Act:

23 (a) Certify compliance with the agreement, as defined in s. 77.65 (2) (a).

*keep the
"subject to
language?"
in a
manner
prescribed
by the dept.*

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SECTION 6

1 allocated under ~~s. ss.~~ 77.51 (14r) and 77.522 and all other transport-related revenues
2 from sales made in this state.

3 SECTION 7. 77.51 (1) of the statutes is renumbered 77.51 (1d).

4 SECTION 8. 77.51 (1b) of the statutes is created to read:

5 ^{Ag 64}₁₂₋₁₃ 77.51 (1b) "Alcohol beverage" means a beverage that is suitable for human
6 consumption and that contains 0.5% or more of alcohol by volume.

7 ^{Ag 64} SECTION 9. 77.51 (1e) of the statutes is created to read:

8 ¹⁴⁻¹⁷ 77.51 (1e) "Candy" means a preparation of sugar, honey, or other natural or
9 artificial sweetener combined with chocolate, fruit, nuts, or other ingredients or
10 flavorings in the form of bars, drops, or pieces. "Candy" does not include a
11 preparation that contains flour or that requires refrigeration.

12 ^{Ag 63} SECTION 10. 77.51 (1n) of the statutes is created to read:

13 ¹⁴⁻¹⁵ 77.51 (1n) "Computer" means an electronic device that accepts information in
14 digital or similar form and that manipulates such information to achieve a result
15 based on a sequence of instructions.

16 SECTION 11. 77.51 (1p) of the statutes is created to read:

17 ^{Ag 63}₁₆₋₁₇ 77.51 (1p) "Computer software" means a set of coded instructions designed to
18 cause a computer or automatic data processing equipment to perform a task.

19 ^{Ag 56} SECTION 12. 77.51 (2m) of the statutes is created to read:

20 ¹⁷⁻²³ 77.51 (2m) "Delivery charges" means charges by a seller to prepare and deliver tangible
21 personal property or services to a location designated by the purchaser of the
22 ^{tangible personal} property or services, including charges for transportation, shipping, postage,
23 handling, crating, and packing.

24 SECTION 13. 77.51 (3p) of the statutes is created to read:

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SECTION 13

Ag 64
1 18-26 77.51 (3p) "Dietary supplement" means a product, ^{except tobacco, — not necessary = excluded by any of this definition exp. par. (c)} that is intended to
2 supplement a person's diet, if all of the following apply:

3 (a) The product contains any of the following ingredients or any combination
4 of any of the following ^{dietary} ingredients:

5 1. A vitamin.

6 2. A mineral.

7 3. An herb or other botanical.

8 4. An amino acid.

9 5. A ^{dietary} substance, other than an ingredient under subds. 1. to 4., that is intended
10 for human consumption and that increases total dietary intake.

11 6. A concentrate, metabolite, constituent, or extract.

12 (b) The product is intended for ingestion in tablet, capsule, powder, ^(softgel, gelcap) or liquid
13 form, or, if not intended for ingestion in such forms, is not represented as food or a
14 food ingredient and is not represented for use as the sole item of a meal or diet.

15 ✓ (c) The product is ^{required to be} labeled as a dietary supplement as required under 21 CFR
16 101.36.

17 Ag 56/27 SECTION 14. 77.51 (3pd) of the statutes is created to read:
25-28/1-2

18 77.51 (3pd) "Direct mail" means a service whereby printed material ^{that} is
19 or distributed delivered by the U.S. postal service or other delivery service to a mass audience or

20 to addresses on a mailing list provided by or at the direction of the purchaser of the
21 printed material ^{service} if the cost of the printed material or any tangible personal property included

22 with the printed material is not billed directly to the recipients of the printed
23 material. "Direct mail" includes any tangible personal property provided directly or
24 indirectly by the purchaser of the printed material ^{printed material} to the seller of the service for inclusion in

what is
just money and
delivered?

marketing terms
not electronic
terms = cannot
use

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SECTION 14

1 any package containing printed material. "Direct mail" does not include multiple
 2 items of printed material delivered to a single address

3 SECTION 15. 77.51 (3pj) of the statutes is created to read:

4 Ag 46 77.51 (3pj) "Drug" means a compound, substance, or preparation, other than
 16-17 food and food ingredients, dietary supplements, or alcoholic beverages, to which any
 5 of the following applies:
 6

7 (a) It is listed in the United States Pharmacopoeia, Homeopathic
 8 Pharmacopoeia of the United States, or National Formulary, or any supplement to
 9 any of them.

10 (b) It is intended for use in diagnosing, curing, mitigating, treating, or
 11 preventing a disease.

12 (c) It is intended to affect a function or structure of the body.

13 SECTION 16. 77.51 (3pm) of the statutes is created to read:

14 Ag 46/47 77.51 (3pm) "Durable medical equipment" means equipment, including the
 15 repair (of) and replacement parts for the equipment, that is primarily used for a
 16 medical purpose related to a person; that can withstand repeated use; that is not
 17 generally useful to a person who is not ill or injured; and that is not placed in or worn
 18 on the body. Durable medical equipment does not include mobility enhancing
 19 equipment.

SECTION 17. 77.51 (3t) of the statutes is created to read:

20 Ag 77.51 (3t) "Food and food ingredient" means a substance in liquid,
 21 24/03-31/1-7 concentrated, solid, frozen, dried, or dehydrated form, that is sold for ingestion, or
 22 for chewing, by humans and that is ingested or chewed for its taste or nutritional
 23 value. "Food and food ingredient" does not include alcohol beverages or tobacco.

24 SECTION 18. 77.51 (4) of the statutes is repealed.

25 SECTION 19. 77.51 (7) of the statutes is repealed and recreated to read:

* Add definition of electronic - needed
 in definition of computer.

actual exemption
 for service is
 in 77.51(3pj)

do you mean
 "repair part" for
 the eq. or repair of
 the equipment
 why not?
 what's the
 difference

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SECTION 19

1 77.51 (7) (a) "Lease or rental" means any transfer of possession or control of
2 tangible personal property for a fixed or indeterminate term and for consideration,
3 including a transfer that includes future options to purchase or extend, regardless
4 of whether such transfer is considered a lease or rental under generally accepted
5 accounting principles, or any provision of federal or state law.

6 (b) "Lease or rental" does not include any of the following:

7 1. A transfer of possession or control of tangible personal property under a
8 security agreement or deferred payment plan, if such agreement or plan requires
9 transferring title to the tangible personal property after making all required
10 payments.

11 2. A transfer of possession or control of tangible personal property under any
12 agreement that requires transferring title to the tangible personal property after
13 making all required payments and after paying an option price that does not exceed
14 the greater of \$100 or 1% of the total amount of the required payments.

15 3. Providing tangible personal property along with an operator, if the operator
16 is necessary for the tangible personal property to perform in the manner for which
17 it is designed and if the operator does more than maintain, inspect, or set up the
18 tangible personal property.

19 4. Agreements related to the transfer of possession or control of motor vehicles
20 or trailers, if the amount of any consideration may be increased or decreased by
21 reference to the amount realized on the sale or other disposition of such motor
22 vehicles or trailers, consistent with section 7701 (h) (1) of the Internal Revenue Code.

23 SECTION 20. 77.51 (7m) of the statutes is created to read:

24 Ag 67 77.51 (7m) "Mobility-enhancing equipment" means equipment, including the
10-19 repair and replacement parts for the equipment, that is primarily ^{and customarily} used to provide

see previous
page

see previous
page = what's the
distinction

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SECTION 20

1 or increase the ability of a person to move from one place to another; that may be used
 2 in a home or motor vehicle; and that is generally not used by a person who has normal
 3 mobility. "Mobility-enhancing equipment" does not include a motor vehicle or any
 4 equipment on a motor vehicle that is generally provided by ^athe motor vehicle
 5 manufacturer.

6 ^{A2} SECTION 21. 77.51 (10m) of the statutes is created to read:

7 ⁶⁵ ¹⁰⁻²⁹ 77.51 (10m) (a) "Prepared food" means:

- 8 1. Food and food ingredients sold heated.
 9 ~~2. Food and food ingredients heated by the retailer~~
 10 3. Food and food ingredients sold with eating utensils that are provided by the
 11 retailer of the food and food ingredients, including plates, knives, forks, spoons,
 12 glasses, cups, napkins, and straws. *A plate does not include a container or packaging*
 13 *used to transport the food and food ingredients.*
 14 4 3.- Except as provided in par. (b) 1: to 3., 2 or more food ingredients mixed or
 15 combined by a retailer for sale as a single item that requires no further preparation
 16 by the consumer.

17 (b) "Prepared food" ^{and par a 2. and 4.} does not include:

- 18 1. Two or more food ingredients mixed or combined by a retailer for sale as a
 19 single item, if the retailer's primary classification in the 1997 North American
 20 Industry Classification System, published by the federal office of management and
 21 budget, is manufacturing under sectors 31 to 33, not including bakeries and tortilla
 22 manufacturing under industry group number 3118, *unless sold as provided in 2 and 3?*
 23 2. Two or more food ingredients mixed or combined by a retailer for sale as a
 24 single item, sold unheated, and sold by volume or weight, unless the ingredients are
 25 sold as provided in par. (a) 2. ^{3?}
 26 3. Bakery items made by a retailer, including breads, ^{rolls,} pastries, ^{buns, bismuits, bagels,} donuts, ^{croissants,} cakes, ^{pies,} cookies, and tortillas, unless the items are sold as provided in par. (a) 2. ^{and 3}
tortes, tarts, muffins, buns

*aren't there 2 \$4?
 some thing?
 to do whole heat food
 How sell it cold?*

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SECTION 21*Insert definition of prescription**not really
meaningful given its
language of current
drug exemption*

4. Food and food ingredients that are only sliced, repackaged, or pasteurized

by a retailer.

5. Eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in ch. 3.

SECTION 22. 77.51 (10p) of the statutes is created to read: *the consumer as recommended by the Food and Drug Administration in ch. 3.*

77.51 (10p) "Prewritten computer software" means computer software that is including upgrades and developed by the author or other creator not designed according to a specific purchaser's specification and computer software

that is designed according to a prospective purchaser's specification, but sold to a different purchaser. "Prewritten computer software" includes computer software that is modified according to a specific purchaser's specification, unless the sales

price of the modification is provided to the purchaser on an invoice or other statement as a reasonable, separately stated charge.

Add: combining two or more prewritten computer software or portions thereof does not cause the combination to be prewritten

SECTION 23. 77.51 (11m) of the statutes is created to read:

77.51 (11m) "Prosthetic device" means a device, including the repair of and replacement parts for the device, that is placed in or worn on the body to replace a missing portion of the body; to prevent or correct a physical deformity or malfunction; or to support a weak or deformed portion of the body.

SECTION 24. 77.51 (12m) of the statutes is created to read:

77.51 (12m) (a) "Purchase price" means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

1. The seller's cost of the property sold.
2. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller.

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stating the
obvious?*

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SECTION 24

1 3. Charges by the seller for any services necessary to complete a sale, not
2 including delivery and installation charges.

3 4. Delivery charges, except as provided in par. (b) 4.

4 5. Installation charges.

5 6. The value of exempt personal property, ^{except drugs exempt under 77.54(14)} that is given to the purchaser of the
6 property, if the exempt personal property is bundled with taxable personal property
7 and sold by the seller as a single product or piece of merchandise.

8 *Move to 7. The value of coins and stamps of the United States that are sold or traded*
9 *imposition 77.52 & 77.53 to specifically impose tax on these items*
10 as collectors' items above their face value.

11 8. The value of leased property that is affixed to real property if the lessor has
12 the right to remove the leased property upon breach or termination of the lease
13 agreement, unless the lessor of the leased property is also the lessor of the real
14 property to which the leased property is affixed.

15 (b) "Purchase price" does not include:

16 1. Discounts, including cash, terms, or coupons, that are not reimbursed by a
17 3rd party; that are allowed by a seller; and that are taken by a purchaser on a sale.

18 2. Interest, financing, and carrying charges from credit that is extended on a
19 sale of personal property or services, if the amount of the interest, financing, or
20 carrying charges is separately stated on the invoice, bill of sale, or similar document
21 that the seller gives to the purchaser.

22 3. Any taxes legally imposed directly on the purchaser that are separately
23 stated on the invoice, bill of sale, or similar document that the seller gives to the
24 purchaser.

4. Delivery charges for direct mail.

selling
?
leave
02:1 new int.
77.521
and 77.53(1)

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SECTION 24

5. In all transactions in which an article of tangible personal property is traded toward the purchase of an article of greater value, the amount of the purchase price that represents the amount allowed for the article traded, except that this subdivision does not apply to any transaction to which s. 77.54 (1g) applies.

6. If a person who purchases a motor vehicle presents a statement issued under s. 218.0171 (2) (cq) to the seller at the time of purchase, and the person presents the statement to the seller within 60 days from the date of receiving a refund under s. 218.0171 (2) (b) 2. b., the trade-in amount specified in the statement issued under s. 218.0171 (2) (cq), but not to exceed the purchase price from the sale of the motor vehicle. This subdivision applies only to the first motor vehicle purchased by a person after receiving a refund under s. 218.0171 (2) (b) 2. b.

SECTION 25. 77.51 (13) (o) of the statutes is amended to read:

77.51 (13) (o) A person selling medicine drugs for animals to a veterinarian.

As used in this paragraph, "animal" includes livestock, pets and poultry.

SECTION 26. 77.51 (13s) of the statutes is created to read:

77.51 (13s) "Retail sale" or "sale at retail" means any sale, lease, or rental for any purpose other than resale, or sublease, or subrent - no sub and - the concept is part of the concept with sub-lease

SECTION 27. 77.51 (14) (intro.) of the statutes is amended to read:

77.51 (14) (intro.) "Sale", "~~sale, lease or rental~~", "~~retail sale~~", "~~sale at retail~~", or equivalent terms include ~~includes~~ any ~~one or all~~ of the following: the transfer of the ownership of, title to, possession of, or enjoyment of tangible personal property or services for use or consumption but not for resale as tangible personal property or services and includes:

SECTION 28. 77.51 (14) (d) of the statutes is repealed.

SECTION 29. 77.51 (14) (j) of the statutes is repealed.

Modular home & modular home exclusions can be put back in the exemption? needed some work

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SECTION 30

SECTION 30. 77.51 (14r) of the statutes is amended to read:

Not really a definition

77.51 (14r) A sale or purchase involving transfer of ownership of property shall be deemed to have been completed at the time and place when and where possession is transferred by the seller or the seller's agent to the purchaser or the purchaser's agent, except that for purposes of this subsection a common carrier or the U.S. postal service shall be deemed the agent of the seller, regardless of any f.o.b. point and regardless of the method by which freight or postage is paid.

SECTION 31. 77.51 (15) of the statutes is repealed.

SECTION 32. 77.51 (15a) of the statutes is created to read:

77.51 (15a) (a) "Sales price" means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

1. The seller's cost of the property sold.

2. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller.

3. Charges by the seller for any services necessary to complete a sale, including delivery and installation charges.

4. Delivery charges, except as provided in par. (b) 4.

5. Installation charges.

6. The value of exempt personal property that is given to the purchaser of the property, if the exempt personal property is bundled with taxable personal property and sold by the seller as a single product or piece of merchandise.

except drugs exempt under s. 77.54(14)

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SECTION 32

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7. The value of coins and stamps of the United States that are sold or traded as collectors' items above their face value.

8. The value of leased property that is affixed to real property if the lessor has the right to remove the leased property upon breach or termination of the lease agreement, unless the lessor of the leased property is also the lessor of the real property to which the leased property is affixed.

Add back exclusions for mobile homes and modular homes

(b) "Sales price" does not include:

1. Discounts, including cash, terms, or coupons, that are not reimbursed by a 3rd party; that are allowed by a seller; and that are taken by a purchaser on a sale.

2. Interest, financing, and carrying charges from credit that is extended on a sale of personal property or services, if the amount of the interest, financing, or carrying charges is separately stated on the invoice, bill of sale, or similar document that the seller gives to the purchaser.

3. Any taxes legally imposed directly on the purchaser that are separately stated on the invoice, bill of sale, or similar document that the seller gives to the purchaser.

4. Delivery charges for direct mail.

5. In all transactions in which an article of tangible personal property is traded toward the purchase of an article of greater value, the amount of the sales price that represents the amount allowed for the article traded, except that this subdivision does not apply to any transaction to which s. 77.54 (1g) applies.

6. If a person who purchases a motor vehicle presents a statement issued under s. 218.0171 (2) (cq) to the seller at the time of purchase, and the person presents the statement to the seller within 60 days from the date of receiving a refund under s. 218.0171 (2) (b) 2. b., the trade-in amount specified in the statement issued under

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SECTION 32

1 s. 218.0171 (2) (cq), but not to exceed the sales price from the sale of the motor vehicle.

2 This subdivision applies only to the first motor vehicle purchased by a person after
3 receiving a refund under s. 218.0171 (2) (b) 2. b.

4 *to*
Needs to include CSF6 SECTION 33. 77.51 (17) of the statutes is amended to read:

5 77.51 (17) "Seller" includes every person selling, leasing or renting tangible
6 personal property or selling, performing or furnishing services of a kind the gross
7 receipts sales price from the sale, lease, rental, performance or furnishing of which
8 are is required to be included in the measure of the sales tax.

9 *Ag 66* SECTION 34. 77.51 (17w) of the statutes is created to read:
10 *3-5*

11 77.51 (17w) "Soft drink" means a beverage that contains less than 0.5% of
12 alcohol and that contains natural or artificial sweeteners. "Soft drink" does not
13 include a beverage that contains milk or milk products; soy, rice, or similar milk
14 substitutes; or more than 50% vegetable or fruit juice by volume.

15 SECTION 35. 77.51 (20) of the statutes is amended to read:

16 77.51 (20) "Tangible personal property" means ~~all tangible personal property~~
17 ~~of every kind and description that can be seen, weighed, measured, felt, or touched,~~
18 ~~or that is in any other manner perceptible to the senses,~~ and includes electricity,
19 natural gas, steam and, water, and also leased property affixed to realty if the lessor
20 has the right to remove the property upon breach or termination of the lease
21 agreement, unless the lessor of the property is also the lessor of the realty to which
22 the property is affixed. "Tangible personal property" also includes coins and stamps
23 of the United States sold or traded as collectors' items above their face value and
24 computer programs except custom prewritten computer programs software.

SECTION 36. 77.51 (21) of the statutes is amended to read:

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SECTION 36

1 77.51 (21) "Taxpayer" means the person who is required to pay, collect, or
 2 account for or who is otherwise directly interested in the taxes imposed by this
 3 subchapter, including a certified service provider.

4 SECTION 37. 77.51 (21p) of the statutes is created to read:

5 ^{Ag 66} 77.51 (21p) "Tobacco" means cigarettes, cigars, chewing tobacco, pipe tobacco,
 6 ⁶⁻¹ and any other item that contains tobacco.

7 SECTION 38. 77.51 (22) (bm) of the statutes is created to read:

8 77.51 (22) (bm) In this subsection, "exercise of any right or power over tangible
 9 personal property or taxable services" includes selecting recipients, determining
 10 mailing schedules, or otherwise directing the distribution, dissemination, or
 11 disposal of tangible personal property or taxable services, regardless of whether the
 12 purchaser of such property owns or physically possesses the property *in this state?*

****NOTE: Should the concept of owning or possessing the taxable service be
 included at the end of this subsection? If not, why not? *Yes - important point of
 part in JC. Penner*

13 SECTION 39. 77.52 (1) of the statutes is amended to read:

14 77.52 (1) For the privilege of selling, licensing, leasing or renting tangible
 15 personal property, including accessories, components, attachments, parts, supplies
 16 and materials, at retail a tax is imposed upon all retailers at the rate of 5% of the
 17 ~~gross receipts~~ sales price from the sale, lease or rental of tangible personal property,
 18 including accessories, components, attachments, parts, supplies and materials, sold,
 19 leased or rented at retail in this state.

20 *> Insert imposition on cons, etc previously in TPP definition*
 SECTION 40. 77.52 (2) (intro.) of the statutes is amended to read:

21 77.52 (2) (intro.) For the privilege of selling, licensing, performing or furnishing
 22 the services described under par. (a) at retail in this state to consumers or users, a
 23 tax is imposed upon all persons selling, performing or furnishing the services at the

*how no? = for
 its privilege of
 why not just
 put in in
 def of
 TPP*

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SECTION 40

1 rate of 5% of the ~~gross receipts~~ sales price from the sale, performance or furnishing
2 of the services.

3 SECTION 41. 77.52 (2) (a) 10. of the statutes is amended to read:

4 77.52 (2) (a) 10. Except for installing or applying tangible personal property
5 which, when installed or applied, will constitute an addition or capital improvement
6 of real property, the repair, service, alteration, fitting, cleaning, painting, coating,
7 towing, inspection, and maintenance of all items of tangible personal property
8 unless, at the time of such repair, service, alteration, fitting, cleaning, painting,
9 coating, towing, inspection, or maintenance, a sale in this state of the type of property
10 repaired, serviced, altered, fitted, cleaned, painted, coated, towed, inspected, or
11 maintained would have been exempt to the customer from sales taxation under this
12 subchapter, other than the exempt sale of a motor vehicle or truck body to a
13 nonresident under s. 77.54 (5) (a) and other than nontaxable sales ^{outside Wisconsin} under s. 77.51

14 (14r) and 77.522. For purposes of this paragraph, the following items shall be
15 considered to have retained their character as tangible personal property, regardless
16 of the extent to which any such item is fastened to, connected with, or built into real
17 property: furnaces, boilers, stoves, ovens, including associated hoods and exhaust
18 systems, heaters, air conditioners, humidifiers, dehumidifiers, refrigerators,
19 coolers, freezers, water pumps, water heaters, water conditioners and softeners,
20 clothes washers, clothes dryers, dishwashers, garbage disposal units, radios and
21 radio antennas, incinerators, television receivers and antennas, record players, tape
22 players, jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs,
23 bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps,
24 electronic dust collectors, grills and rotisseries, bar equipment, intercoms,
25 recreational, sporting, gymnasium and athletic goods and equipment including by

*file this
ref. out*

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SECTION 41

1 way of illustration but not of limitation bowling alleys, golf practice equipment, pool
2 tables, punching bags, ski tows, and swimming pools; equipment in offices, business
3 facilities, schools, and hospitals but not in residential facilities including personal
4 residences, apartments, long-term care facilities, as defined under s. 16.009 (1) (em),
5 state institutions, as defined under s. 101.123 (1) (i), Type 1 secured correctional
6 facilities, as defined in s. 938.02 (19), or similar facilities including, by way of
7 illustration but not of limitation, lamps, chandeliers, and fans, venetian blinds,
8 canvas awnings, office and business machines, ice and milk dispensers,
9 beverage-making equipment, vending machines, soda fountains, steam warmers
10 and tables, compressors, condensing units and evaporative condensers, pneumatic
11 conveying systems; laundry, dry cleaning, and pressing machines, power tools,
12 burglar alarm and fire alarm fixtures, electric clocks and electric signs. "Service"
13 does not include services performed by veterinarians. The tax imposed under this
14 subsection applies to the repair, service, alteration, fitting, cleaning, painting,
15 coating, towing, inspection, or maintenance of items listed in this subdivision,
16 regardless of whether the installation or application of tangible personal property
17 related to the items is an addition to or a capital improvement of real property, except
18 that the tax imposed under this subsection does not apply to the original installation
19 or the complete replacement of an item listed in this subdivision, if such installation
20 or replacement is a real property construction activity under s. 77.51 (2).

21 *Put in* SECTION 42. 77.52 (3p) of the statutes is created to read:
22 *JK 585*

22 77.52 (3p) If a lessor of tangible personal property has reimbursed the vendor
23 for the sales tax on the sale of the property by the vendor to the lessor, the tax due
24 from the lessor on the rental receipts may be offset by a credit equal to the tax
25 otherwise due on the rental receipts from the property for the reporting period. The

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SECTION 42

1 credit shall expire when the cumulative rental receipts equal the sales price upon
2 which the vendor paid sales taxes to this state. If a purchaser of tangible personal
3 property has reimbursed the vendor of the property for the sales tax on the sale and
4 subsequently, before making any use of the property other than retention,
5 demonstration, or display while holding it for sale or rental, makes a taxable sale of
6 the property, the tax due on the taxable sale may be offset by the tax reimbursed.

7 SECTION 43. 77.52 (5m) of the statutes is created to read:

8 77.52 (5m) The department may, in cases where it is satisfied that an undue
9 hardship would otherwise result, permit the reporting of a sales price ^{and purchase price} on some basis
10 other than the accrual basis.

11 SECTION 44. 77.52 (6) of the statutes is repealed.

12 SECTION 45. 77.52 (7) of the statutes is amended to read:

13 77.52 (7) Every person desiring to operate as a seller within this state who
14 holds a valid certificate under s. 73.03 (50) shall file with the department an
15 application for a permit for each place of operations. Every application for a permit
16 shall be made upon a form prescribed by the department and shall set forth the name
17 under which the applicant intends to operate, the location of the applicant's place of
18 operations, and the other information that the department requires. ^{can we allow other authentication} The Except as
19 provided in sub. (7b), the application shall be signed by the owner if a sole proprietor;
20 in the case of sellers other than sole proprietors, the application shall be signed by
21 the person authorized to act on behalf of such sellers. A nonprofit organization that
22 has ~~gross receipts~~ a sales price taxable under s. 77.54 (7m) shall obtain a seller's
23 permit and pay taxes under this subchapter on all taxable gross receipts sales prices
24 received after it is required to obtain that permit. If that organization becomes

see def. 1
"516N" under
77.51(17m)

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SECTION 45

1 eligible later for the exemption under s. 77.54 (7m) except for its possession of a
2 seller's permit, it may surrender that permit.

3 SECTION 46. 77.52 (7b) of the statutes is created to read:

4 77.52 (7b) Any person who may register under sub. (7) may designate [✓]an agent, [✓]provider
5 ~~in writing, to register with the department under sub. (7), subject to the department's~~
6 approval. ^{in a manner prescribed by the dept.}

7 SECTION 47. 77.52 (13) of the statutes is amended to read:

8 77.52 (13) For the purpose of the proper administration of this section and to
9 prevent evasion of the sales tax it shall be presumed that all receipts are subject to
10 the tax until the contrary is established. The burden of proving that a sale of tangible
11 personal property or services is not a taxable sale at retail is upon the person who
12 makes the sale unless that person takes from the purchaser a certificate ^{or obtains information prescribed by the department by rule} to the effect
13 that the property or service is purchased for resale or is otherwise exempt; except
14 ~~that no certificate is required for sales of cattle, sheep, goats, and pigs that are sold~~
15 ~~at a livestock market, as defined in s. 95.68 (1) (e), and no certificate is required for~~
16 ~~sales of commodities, as defined in 7 USC 2, that are consigned for sale in a~~
17 ~~warehouse in or from which the commodity is deliverable on a contract for future~~
18 ~~delivery subject to the rules of a commodity market regulated by the U.S. commodity~~
19 ~~futures trading commission if upon the sale the commodity is not removed from the~~
20 warehouse.

21 SECTION 48. 77.52 (14) (a) (intro.) and 1. and (b) of the statutes are consolidated,
22 renumbered 77.52 (14) and amended to read:

23 77.52 (14) The certificate referred to in sub. (13) relieves the seller from the ^{burden of proof} ~~burden of proof~~ only if any of the following is true: 1. The ^{or information prescribed by the department} ~~the~~ certificate is taken in
24 good faith from a person who is engaged as a seller of tangible personal property or
25 ^{by rule} ~~by rule~~

Exception if seller fraudulently fails to collect tax or solicits purchasers to participate in unlawful chain of exemption
no relief here

*need exceptions
no certificate
for =
see
handout*

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SECTION 48

1 ~~taxable services and who holds the permit provided for in sub. (9) and who, at the~~
 2 ~~time of purchasing that the person purchases the tangible personal property or~~
 3 ~~services, intends to sell it in the regular course of operations or is unable to ascertain~~
 4 ~~at the time of purchase whether the property or service will be sold or will be used~~
 5 ~~for some other purpose. (b). The certificate referred to in sub. (13) shall be signed~~
 6 ~~by and bear the name and address of provide information that identifies the~~ 2
 7 ~~purchaser, and shall indicate the general character of the tangible personal property~~ 1
 8 ~~or service sold by the purchaser and the basis for the claimed exemption. The~~
 9 ~~certificate shall be in such form as the department prescribes.~~ and contain the required information by rule
 10

SECTION 49. 77.52 (14) (a) 2. of the statutes is repealed.

SECTION 50. 77.52 (15) of the statutes is amended to read:

11 ~~77.52 (15) If a purchaser who gives a resale certificate makes any use of the~~
 12 ~~property, other than retention, demonstration or display while holding it for sale,~~ purchases tpp or taxable services without tax for resale
 13 ~~lease or rental in the regular course of the purchaser's operations, the use shall be~~ or service
 14 ~~taxable to the purchaser under s. 77.53 as of the time that the property is first used~~
 15 ~~by the purchaser, and the sales purchase price of the property to the purchaser shall~~
 16 ~~be the measure of the tax. Only when there is an unsatisfied use tax liability on this~~
 17 ~~basis because the seller has provided incorrect information about that transaction~~
 18 ~~to the department shall the seller be liable for sales tax with respect to the sale of the~~
 19 ~~property to the purchaser. This subsection does not apply to candy, soft drinks, and~~ 2
 20 ~~prepared food; or to disposable products that are transferred with candy, soft drinks,~~ 1
 21 ~~and prepared food; that a restaurant provides to the restaurant's employees during~~
 22 ~~the work hours of the employees.~~ 77.52(3)
 23

24 SECTION 51. 77.522 of the statutes is created to read:

25 AG 77.522 Sourcing. (1) SALES. (a) In this section:

614-21 *certific This subsection does not apply to exemptions under 77.52(13)*

Put in 77.52(13) all goods that are exempt from sales tax that do not require exemption certificate (by pick date)
 77.57 (centre)

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SECTION 51

- that is provided by purchasers of direct mail to
- 1 1. "Direct mail form" means a form prescribed by the department.
 - 2 2. "Exemption form" means the multiple-points-of-use exemption form, as from liability, mean
 - 3 for prescribed by the department. that is provided by purchasers of digital property on services used concurrently to relieve seller of liability to collect
 - 4 3. "Product" includes tangible personal property, digital goods, and services.
 - 5 4. "Receive" means taking possession of tangible personal property; making
 - 6 first use of services; or taking possession or making first use of digital goods,
 - 7 whichever comes first. "Receive" does not include a shipping company taking
 - 8 possession of tangible personal property on a purchaser's behalf.
 - 9 5. "Transportation equipment" means all of the following:
 - 10 a. Locomotives and railcars that are used to carry persons or property in
 - 11 interstate commerce.
 - 12 b. Trucks and truck tractors that have a gross vehicle weight rating of 10,001
 - 13 pounds or greater, trailers, semitrailers, and passenger buses, if such vehicles are
 - 14 registered under the International Registration Plan and operated under the
 - 15 authority of a carrier that is authorized by the federal government to carry persons
 - 16 or property in interstate commerce.
 - 17 c. Aircraft that is operated by air carriers that are authorized by the federal
 - 18 government or a foreign authority to carry persons or property in interstate
 - 19 commerce.
 - 20 d. Containers that are designed for use on the vehicles described in subd. 5. a.
 - 21 to c. and component parts attached to or secured on such vehicles
 - 22 (b) Except as provided in pars. (c) to (f), to determine which jurisdiction may
 - 23 Where a sale takes place impose a sales tax or a use tax on a sale, the location of a sale is determined as follows:
 - 24 1. If a purchaser receives the product at a seller's business location, the sale
 - 25 occurs at that business location.

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1 2. If a purchaser does not receive the product at a seller's business location, the
2 sale occurs at the location where the purchaser, or the purchaser's designated donee,
3 receives the product, including the location indicated by the instructions known to
4 the seller for delivery to the purchaser or the purchaser's designated donee.

5 3. If the location of a sale cannot be determined under subds. 1. and 2., the sale
6 occurs at the purchaser's address as indicated by the seller's business records, if the
7 records are maintained in the ordinary course of the seller's business and if using
8 that address to establish the location of a sale is not in bad faith.

9 4. If the location of a sale cannot be determined under subds. 1. to 3., the sale
10 occurs at the purchaser's address as obtained during the consummation of the sale,
11 including the address indicated on the purchaser's payment instrument, if no other
12 address is available and if using that address is not in bad faith.

13 5. If the location of a sale cannot be determined under subds. 1. to 4., the
14 location of the sale is determined as follows:

15 a. If the item sold is tangible personal property, the sale occurs at the location
16 from which the tangible personal property is shipped.

17 b. If the item sold is a digital good, ~~digital service, or prewritten software; and~~ *computer software* *is delivered electronically*
18 ~~such good, service, or software is concurrently available for use in more than one~~
19 ~~taxing jurisdiction, the sale occurs at the location from which the digital good, digital~~
20 ~~service, or prewritten software was first available for transmission by the seller.~~ *computer delivered electronically*

21 c. If a service, ~~other than a digital service,~~ is sold, the sale occurs at the location
22 from which the service was provided. ✓

23 (c) The sale of direct mail occurs at the location ~~specified in the direct mail form~~
24 ~~that the purchaser of the service provides to the seller at the time of sale or, if the~~
25 ~~purchaser does not provide a direct mail form, the location from which the direct mail~~

See Note

Joe:

- Direct mail is ~~sourced~~ considered sold ✓
at the location in the first rule (destination)
based on information provided to seller by purchaser.
However a seller is relieved from liability
of collecting if it takes a direct mail
form ~~from the purchaser~~ ^{directly to state}. Purchaser will pay tax
IF the purchaser fails to give destination
location or direct mail form. Sale takes
place at ~~origin~~ ^{from which} location shipped (origin)
- Also need to amend credit in 77.53(16) ✓
to provide that no credit will be given to
purchaser for tax paid on direct mail where seller
sourced to origin because purchaser did
not provide destination info or direct mail
form

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SECTION 51

if the purchaser does not provide a direct mail form, or information indicating the taxing jurisdictions to which the direct mail is delivered to recipient,
is shipped. *direct pay permit* If the purchaser provides a direct mail form to the seller, the purchaser

shall pay or remit, as appropriate, to the department the tax imposed under s. 77.53

(1) on all purchases for which the tax is due.

***NOTE: The October 2002 issue paper related to this idea provides contrary instructions. The paper, on one hand, requires the purchaser to provide a direct mail form for a direct mail purchase, yet, on the other hand, provides a sourcing option in the event that no form is provided. I have chosen to incorporate both ideas into the draft by making the provision of a direct mail form voluntary. Is that consistent with the intent? If not, than I suggest either eliminating the other sourcing option or creating, as a compliance incentive, a penalty for not providing the form.

See Note

(d) 1. A business purchaser who purchases a digital good, ~~service~~, or *computer delivered electronically* ~~prewritten~~ software, who does not hold a direct pay permit under s. 77.52 (17m), and who knows at the time that the purchaser purchases such good, service, or software that the good, service, or software will be concurrently available for use in more than one taxing jurisdiction shall provide an *MPU - ?* exemption form to the seller, in conjunction with the purchase, and shall pay or remit, as appropriate, to the department the tax imposed under s. 77.53 (1) on all purchases for which the tax is due.

2. To apportion the amount of the tax due multiple taxing jurisdictions, a purchaser who provides an exemption form under subd. 1. shall use any reasonable, consistent, and uniform apportionment method supported by the purchaser's business records that exist at the time of the sale.

MPU - ?
3. An exemption form provided under subd. 1. shall remain effective for all sales by the seller who received the form to the purchaser who provided the form, unless the purchaser revokes the form in writing and provides such a revocation to the seller.

4. A business purchaser who purchases a digital good, ~~digital~~ service, or *computer delivered electronically* ~~prewritten~~ software, who holds a direct pay permit under s. 77.52 (17m), and who knows at the time that the purchaser purchases such good, service, or software that

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SECTION 51

1 the good, service, or software will be concurrently available for use in more than one
 2 taxing jurisdiction is not required to provide an exemption form to the seller, but
 3 shall collect, pay, or remit, as appropriate, to the department the tax imposed under
 4 s. 77.53 (1) and shall use the apportionment method described under par. (b) to
 5 apportion the tax due multiple taxing jurisdictions.

6 (e) The sale of transportation equipment occurs at the location where the
 7 transportation equipment is delivered.

8 (f) This subsection does not apply to sales or use taxes imposed under this
 9 subchapter and subch. V on the sale of telecommunications services and use taxes
 10 imposed under subch. V on the sale of motor vehicles, aircraft, or watercraft.

11 (2) LEASE OR RENTAL. (a) Except as provided in pars. (b) and (c), with regards
 12 to the first ^{or only} payment on the lease or rental, the lease or rental of tangible personal
 13 property occurs at the location where the property is delivered. ^{in (1)(b) 1.?} If the property is
 14 moved from the place where the property was initially delivered, ^{with regards to} the subsequent
 15 periodic payments, the lease or rental occurs at the property's location.

16 (b) The lease or rental of vehicles and aircraft occurs at the location where the
 17 vehicles or aircraft ^{primary location} are kept. ^{motor semi-trailers that are not transportation equipment}

18 (c) The lease or rental of transportation equipment occurs at the location where
 19 the transportation equipment is delivered. ^{in (1)(b) 1.}

20 (3) TELECOMMUNICATIONS. (a) In this subsection:

21 1. "Air-to-ground radiotelephone service" means a radio service in which
 22 common carriers are authorized to offer and provide radio telecommunications
 23 service for hire to subscribers in aircraft.

***NOTE: This is the definition of "air-to-ground radiotelephone service" under 47
 CFR, part 22.99.

already addressed in (1)(b) 1.
We are going to address this under III per agreement but that's under II. Shouldn't this go to I?
primary as indicated by address for the property provided by the lessee that is available to the lessor from its records maintained per agreement

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1 2. "Call-by-call basis" means any method of charging for telecommunications
2 services by which the price of such services is measured by individual calls.

3 3. ^{Customer} "Channel termination point" means the location ^{where} from which a customer
4 inputs or receives communications.

5 4. "Communications channel" means a physical or virtual path of
6 communications over which signals are transmitted, among customer channel
7 termination points. *between or — redundant — not a decision*

8 5. "Customer" means a person who enters into a contract with a seller of
9 telecommunications services or, in any transaction for which the end user is not the
10 person who entered into a contract with the seller of telecommunications services,
11 the end user of the telecommunications services. "Customer" does not include a
12 person who resells telecommunications services. *not a "between"*

13 6. "End user" means an individual who uses a telecommunications service.

14 7. "Mobile telecommunications service" means a mobile telecommunications
15 service under 4 USC 116 to 126, as amended by P.L. 106-252.

16 8. "Place of primary use" means place of primary use, as determined under 4
17 USC 116 to 126, as amended by P.L. 106-252.

18 9. "Postpaid calling service" means a telecommunications service that is
19 obtained by paying for it on a call-by-call basis using a bankcard, travel card, credit
20 card, debit card, or similar method, or by charging ^{it} ~~the payment~~ to a telephone
21 number that is not associated with the location where the telecommunications
22 service originates or terminates. "Postpaid calling service" includes a service that
23 would otherwise be a prepaid calling service except that the service provided to the
24 customer is not exclusively a telecommunications service.

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SECTION 51

1 10. "Prepaid calling service" means the right to access ~~a~~ service^s that ~~is~~ ^{are}
2 exclusively ~~is~~ telecommunications service^s, that ~~is~~ paid for in advance of providing
3 such a service^s, that requires using an access number or authorization code to
4 originate calls; and that is sold in predetermined units or dollars that decrease with
5 use. *in a known amount known by whom?*

6 11. "Private communication service" means a telecommunications service that
7 entitles the customer to exclusive or priority use of a communications channel or
8 group of communications channels *between or - no public* among termination points, regardless of the
9 manner in which the communications channel or group of communications channels
10 *are* connected, and includes providing switching capacity, extension lines, stations,
11 and other similar services *associated that are provided in connection with the use of such channel or channels*
12 12. "Radio service" means a communication service provided by the use of radio,

13 including radiotelephone, radiotelegraph, paging, and facsimile service.

----NOTE: This is the definition of "radio service" under 47 CFR, part 22.99 and is included in this draft because it is necessary to understand the definition of "air-to-ground radiotelephone service" created under subd. 1.

14 13. "Radiotelegraph service" means transmitting messages from one place to
15 another by means of radio.

16 14. "Radiotelephone service" means transmitting sound from one place to
17 another by means of radio.

----NOTE: The definitions under subds. 13 and 14 are terms used to define "radio service" under subd. 12.

18 15. "Service address" means any of the following:

19 a. The location of the telecommunications equipment to which a customer's call
20 is charged and from which the call originates or terminates, regardless of where the
21 call is billed or paid.

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SECTION 51

1 b. If the location described under subd. 15. a. cannot be determined, the location
2 where the signal of the telecommunications service originates, as identified by the
3 seller's telecommunications system or, if the signal is not transmitted from the
4 seller's telecommunications system, by information that the seller received from the
5 seller's service provider.

6 c. If the location described under subd. 15. a. and b., cannot be determined, the
7 customer's place of primary use.

8 (b) Except as provided in pars. (d) to (g), the sale of a telecommunications
9 service that is sold on a call-by-call basis occurs in the taxing jurisdiction for sales
10 and use tax purposes where the call originates and terminates, in the case of a call
11 that originates and terminates in the same such jurisdiction, or the taxing
12 jurisdiction for sales and use tax purposes where the call originates or terminates
13 and where the service address is located.

14 (c) Except as provided in pars. (d) to (g), the sale of a telecommunications
15 service that is sold on a basis other than a call-by-call basis occurs at the customer's
16 place of primary use.

17 (d) The sale of a mobile telecommunications service, except an air-to-ground
18 radiotelephone service and a prepaid calling service, occurs at the customer's place
19 of primary use.

20 (e) The sale of a postpaid calling service occurs at the location where the signal
21 of the telecommunications service originates, as ^{first} identified by the seller's
22 telecommunications system or, if the signal is not transmitted from the seller's
23 telecommunications system, by information that the seller received from the seller's
24 service provider.

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1 { (f) The sale of a prepaid calling service *as provided in (1)(b)1.* occurs at the location from which the
2 *prepaid calling service* service was provided or, if the service is a mobile telecommunications service, the
3 location associated with the mobile telephone number. *may be used (1)(b)1 to if do not apply*

4 (g) 1. The sale of a private communication service ~~that represents~~ *for* a separate
5 charge related to a customer channel termination point occurs at the location of the
6 customer channel termination point.

7 2. The sale of a private communication service in which all customer channel
8 termination points are located entirely in one taxing jurisdiction for sales and use
9 tax purposes occurs in the taxing jurisdiction for sales and use tax purposes in which
10 the customer channel termination points are located.

11 3. If the segments are charged separately, the sale of a private communication
12 service that represents segments of a communications channel between 2 customer
13 channel termination points that are located in different taxing jurisdictions for sales
14 and use tax purposes occurs in an equal percentage in both such jurisdictions.

15 4. If the segments are not charged separately, the sale of a private
16 communication service ~~that represents~~ *for* segments of a communications channel that
17 is located in more than one taxing jurisdiction for sales and use tax purposes occurs
18 in each such jurisdiction in a percentage determined by dividing the number of
19 customer channel termination points in that jurisdiction by the number of customer
20 channel termination points in all jurisdictions where segments of the
21 communications channel are located.

22 SECTION 52. 77.523 of the statutes is renumbered *77.61(16)* and amended to
23 read:

24 { ~~77.523(1)~~ *77.61(16)(a)* CUSTOMER REMEDY. If a customer purchases a service that is subject
25 to 4 USC 116 to 126, as amended by P.L. 106-252, and if the customer believes that

Should this be moved 77.61 or 77.59 - not a good fit here

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1 the amount of the tax assessed for the service under this subchapter or the place of
2 primary use or taxing jurisdiction assigned to the service is erroneous, the customer
3 may request that the service provider correct the alleged error by sending a written
4 notice to the service provider. The notice shall include a description of the alleged
5 error, the street address for the customer's place of primary use of the service, the
6 account name and number of the service for which the customer seeks a correction,
7 and any other information that the service provider reasonably requires to process
8 the request. Within 60 days from the date that a service provider receives a request
9 under this section subsection, the service provider shall review its records to
10 determine the customer's taxing jurisdiction. If the review indicates that there is no
11 error as alleged, the service provider shall explain the findings of the review in
12 writing to the customer. If the review indicates that there is an error as alleged, the
13 service provider shall correct the error and shall refund or credit the amount of any
14 tax collected erroneously, along with the related interest, as a result of the error from
15 the customer in the previous 48 months, consistent with s. 77.59 (4). A customer may
16 take no other action, or commence any action, to correct an alleged error in the
17 amount of the tax assessed under this subchapter on a service that is subject to 4 USC
18 116 to 126, as amended by P.L. 106-252, or to correct an alleged error in the assigned
19 place of primary use or taxing jurisdiction, unless the customer has exhausted his
20 or her remedies under this section subsection.

21 SECTION 53. 77.523 (2) of the statutes is created to read:

22 77.523 (2) If a customer purchases a service that is not subject to 4 USC 116
23 to 126, as amended by P.L. 106-252, or tangible personal property, and if the
24 customer believes that the amount of the tax assessed for the sale of the service or
25 property under this subchapter is erroneous, the customer may request that the

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1 seller correct the alleged error by sending a written notice to the seller. The notice
 2 shall include a description of the alleged error and any other information that the
 3 seller reasonably requires to process the request. Within 60 days from the date that
 4 a seller receives a request under this subsection, the seller shall review its records
 5 to determine the validity of the customer's claim. If the review indicates that there
 6 is no error as alleged, the seller shall explain the findings of the review in writing to
 7 the customer. If the review indicates that there is an error as alleged, the seller shall
 8 correct the error and shall refund the amount of any tax collected erroneously, along
 9 with the related interest, as a result of the error from the customer in the previous
 10 48 months consistent with s. 77.59 (4). A customer may take no other action, or
 11 commence any action, to correct an alleged error in the amount of the tax assessed
 12 under this subchapter on a service that is not subject to 4 USC 116 to 126, as amended
 13 by P.L. 106-252, or tangible personal property, unless the customer has exhausted
 14 his or her remedies under this subsection.

15 *by just* → SECTION 54. 77.524 (1) (b) of the statutes is renumbered 77.51 (1g).
the one and not others in 77.524(1)

16 SECTION 55. 77.53 (1) of the statutes is amended to read:

17 77.53 (1) Except as provided in sub. (1m), an excise tax is levied and imposed
 18 on the use or consumption in this state of taxable services under s. 77.52 purchased
 19 from any retailer, at the rate of 5% of the sales purchase price of those services; on
 20 the storage, use or other consumption in this state of tangible personal property
 21 purchased from any retailer, at the rate of 5% of the sales purchase price of that
 22 property; and on the storage, use or other consumption of tangible personal property
 23 manufactured, processed or otherwise altered, in or outside this state, by the person
 24 who stores, uses or consumes it, from material purchased from any retailer, at the
 25 rate of 5% of the sales purchase price of that material.

Add Par D for Section 325 of Agreement

*? presumed
reasonably
business
practice*